



City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

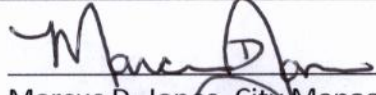
August 25, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **A special exception to operate an entertainment establishment with alcoholic beverages at 824 W. 21st Street – Flights Tasting Room**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-2**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception: Entertainment establishment with alcoholic beverages
- IV. **Applicant:** Flights Tasting Room
- V. **Description:**
 - The use is permitted in the C-2 and PCO-Colley district by Special Exception.
 - The facility will host events that are open to the public as well as private events.
 - The limited hours for outdoor entertainment and the existing buffering ensure that establishment should not have a negative impact on the neighborhood.

	Proposed
Hours of Operation	6:00 a.m. until 12:00 midnight Seven days a week
Hours for Alcohol	10:00 a.m. until 12:00 midnight Seven days a week
Hours for Entertainment Outdoors	10:00 a.m. until 8:00 p.m. Sunday through Wednesday 10:00 a.m. until 9:00 p.m. Thursday 10:00 a.m. until 10:00 p.m. Friday and Saturday

Capacity (No dance floor)	400
Capacity – Private Event and Public Event at same time (With dance floor)	390
Capacity – Private (With dance floor)	240
Entertainment	7 Member live band Karaoke Comedian Fashion Shows Movies

Staff point of contact: Susan Pollock at 664-4755, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated July 23, 2015 with attachments
- Proponents and Opponents
- Ordinance
- Letter of support from Ghent Business Association
- E-mail of support from the Ghent Neighborhood League



City of NORFOLK

Planning Commission Public Hearing: July 23, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Susan Pollock Hart, CFM

Staff Report		Item No.: C - 3
Address	824 West 21 st Street	
Applicant	Flights Tasting Room	
Request	Special Exception	Entertainment Establishment
Property Owner	Whitsun Holdings, LLC	
Site Characteristics	Site Area/Space	38,256 sq. ft./5,060 sq. ft.
	Zoning	C-2 (Corridor Commercial) and PCO-Colley (Colley Avenue Pedestrian Commercial Overlay)
	Neighborhood	Ghent
	Character District	Traditional
Surrounding Area	North	I-1 (Light Industrial): Norfolk Southern Railway
	East	C-2 and PCO-Colley: Walgreens
	South	C-2 and PCO-Colley: West Veterinarian
	West	C-2: Fresh Market



A. Summary of Request

- This request would allow for the use of the site as an entertainment establishment with an outdoor component.
- The site was previously operated as a landscape nursery.
- The site is located along the north side of West 21st Street in the Ghent neighborhood, and along a commercial corridor.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

C. Zoning Analysis

i. General

- The use is permitted in the C-2 and PCO-Colley district by Special Exception.
- The site is developed with a 5,060 square-foot narrow, horseshoe-shaped building.
 - The applicant is proposing an approximately 764 square foot addition.
 - This will increase the indoor area to 5,824 square feet.
- The outdoor area is a very large area consisting of 34,106 square feet.
- The facility will host events that are open to the public as well as private events.
- Parking for the facility will be located in the existing parking area, and along the west side of the building as well as some of the space on West 22nd Street within the horseshoe- shaped building facing the railroad tracks.
- The other portion of the horseshoe area will be used for outdoor seating and entertainment.
- A cover charge may be collected Thursday through Sunday.
- The site is surrounded by a mix of retail uses and the Norfolk and Southern Railway to the north.
 - Although the hours of operation for the alcohol and entertainment start at 10:00, generally the peak hours for an entertainment establishment are later than peak hours for retail.
- The outdoor area abuts a railway and is further buffered from other commercial by the existing warehouse style building.
 - The limited hours for outdoor entertainment and the existing buffering ensure that establishment should not have a negative impact on the neighborhood.

	Proposed
Hours of Operation	6:00 a.m. until 12:00 midnight Seven days a week
Hours for Alcohol	10:00 a.m. until 12:00 midnight Seven days a week

Hours for Entertainment Outdoors	10:00 a.m. until 8:00 p.m. Sunday through Wednesday 10:00 a.m. until 9:00 p.m. Thursday 10:00 a.m. until 10:00 p.m. Friday and Saturday
Capacity (No dance floor)	400
Capacity – Private Event and Public Event at same time (With dance floor)	390
Capacity – Private (With dance floor)	240
Entertainment	7 Member live band Karaoke Comedian Fashion Shows Movies

ii. Parking

- The existing structure on the site was constructed in 1948 with no parking.
 - In accordance with the existing parking regulations the building is vested for one parking space per 250 square feet of building.
 - The existing building is 5,060 square feet which vests them for 20 parking spaces.
- The applicant has improved a parking area abutting West 21st Street and plans to improve a second parking area to the rear of the site adjacent to West 22nd street.
 - 54 parking spaces are provided on site.
- The *City of Norfolk Zoning Ordinance* permits valet parking subject to the following requirements:
 - A scaled plan showing the dimensions and layout of all parking spaces, stacking, and maneuvering of vehicles in the valet parking area must be provided.
 - The parking area is marked with signage indicating that it is reserved exclusively for valet parking; and
 - A parking attendant is present at the property during all times that the use served by the valet parking area is operating.
 - 27 valet spaces can be provided on site
- Considering the 20 grandfathered spaces, 54 spaces on site and 27 valet spaces, there is a potential for 101 parking spaces on site.
 - The maximum number of indoor/covered seating the applicant is proposing is 324.
 - A total of 81 parking spaces would be required.
 - The request more than complies with current parking requirements.

- On-street parking is available along West 21st Street and West 22nd Street to the rear of the site.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 1,451 new vehicle trips per day.
- Based upon ITE data, the prior garden center use on this site would be expected to generate 114 weekday trips while the proposed new entertainment use would be expected to generate 1,565 trips on weekdays.
- West 21st Street near to the site is identified as a severely congested corridor in the PM peak in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus route 4 (Church Street) operating near to the site.

E. Impact on the Environment

- The site was previously used as a landscape nursery and is well landscaped.
- The parking area fronting on West 21st Street is pervious and surrounded by landscaping.

F. Impact on Surrounding Area/Site

- By requiring this use to conform to the conditions listed below, the proposed Entertainment Establishment should not have a negative effect on the surrounding commercial neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

Notice was sent to the Ghent Neighborhood League on April 15.

The board of the Ghent Neighborhood league sent a letter of concern.

I. Communication Outreach/Notification

- Legal notice was posted on the property on April 21.
- Letters were mailed to all property owners within 300 feet of the property on May 13.
- Legal notification was placed in *The Virginian-Pilot* on May 14 and May 21.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment shall be from 6:00 a.m. to

12:00 midnight, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted

- (b) The hours of operation for the sale of alcoholic beverages and indoor entertainment shall be from 10:00 a.m. until 12:00 midnight, seven days a week.
- (c) The hours of operation for outdoor entertainment shall be from 10:00 a.m. until 8:00 p.m., Sunday through Wednesday, from 10:00 a.m. until 9:00 p.m., Thursday, from 10:00 a.m. until 10:00 p.m., and from Friday and Saturday
- (d) The seating for the establishment shall not exceed 324 seats indoors/covered, 348 seats outdoors, and the total occupant capacity, including employees, shall not exceed 400 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (e) The total maximum capacity when there is a private event and a public event at same time with a dance floor for the private event is 390 people.
- (f) The total maximum capacity when there is only a private event with a dance floor is 240 people.
- (g) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (h) Entertainment shall be limited to live bands having no more than 7 members, karaoke, fashion shows, movies, comedy, and poetry readings. No other form of entertainment is permitted.
- (i) The dance floor shall not exceed 242 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.

- (j) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (o) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (p) When the restaurant is in operation, a menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (q) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (r) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (s) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (t) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (u) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (v) The establishment manager shall notify the Commissioner of the

Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.

- (w) A cover charge may only be collected Thursday through Sunday.
- (x) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (y) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice

Services shall be present on the property.

- (z) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
- (aa) This special exception shall automatically expire eighteen months from the effective date of this ordinance. Prior to the expiration date, but no sooner than six months from the effective date of this ordinance, the property owner or manager may begin the application process for a new special exception.

Attachments:

- Location Map
- Zoning Map
- 1000' radii map of similar ABC establishments
- Application
- Site Plan
- Notice to the Ghent Neighborhood League
- Letter of concerns from the Ghent Neighborhood League Board

Proponents and Opponents

Proponents

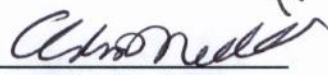
Clark Olsen
824 W. 21st Street
Norfolk, VA 23517

Opponents

None

07/21/2015

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT KNOWN AS "FLIGHTS TASTING ROOM" ON PROPERTY LOCATED AT 824 WEST 21ST STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Clark Olsen authorizing the operation of an entertainment establishment named "Flights Tasting Room" on property located at 824 West 21st Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 76 feet, more or less, along the northern line of West 21st Street, 193 feet, more or less, along the southern line of West 22nd Street, and 86 feet, more or less, along the western line of West 22nd Street; premises numbered 824 West 21st Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages and for indoor entertainment shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week. No sale of alcoholic beverages or indoor entertainment beyond of the hours listed herein shall be permitted.
- (c) The hours for outdoor entertainment shall be limited to 10:00 a.m. until 8:00 p.m. Sunday through Wednesday, 10:00 a.m. until 9:00 p.m.

Thursday, and 10:00 a.m. until 10:00 p.m. on Friday and Saturday. No outdoor entertainment beyond the hours listed herein shall be permitted.

- (d) The seating for the establishment shall not exceed 324 seats indoors or in enclosed areas, 348 seats outdoors, and the total occupant capacity, including employees, shall not exceed 400 people. When a private event which involves the use of a dance floor and a public event are on the premises simultaneously, the total occupant capacity, including employees, shall not exceed 390 people. When only a private event which involves the use of a dance floor is on the premises, the total occupant capacity, including employees, shall not exceed 240 people.
- (e) No portion of the outdoor dining area shall be enclosed, heated or cooled, and any covering must leave the dining space open on at least three sides.
- (f) No alcoholic beverage having more than 21% alcohol by volume and no alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler" shall be sold or served anywhere on the property. Any third-party non-profit entity that may host an event or operate on the property is also restricted by this condition notwithstanding the nature of the specific ABC license it may hold.
- (g) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

- (h) Entertainment shall limited to live bands having no more than seven (7) members, fashion shows, movies, karaoke, comedian and poetry reading. No other forms of entertainment are permitted
- (i) The dance floor shall not exceed 242 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (j) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B".
- (k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (o) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (p) When the restaurant is in operation, a menu shall be provided containing an assortment of foods which

shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

- (q) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (r) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (s) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other

direct funding from a state or local government; and

- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (t) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (u) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (v) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.
- (w) No cover charge shall be requested or collected on Friday or Saturday.
- (x) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This Special Exception;

- (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permits;
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (y) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (z) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

- (aa) This special exception shall automatically expire eighteen months from the effective date of this ordinance. Prior to the expiration date, but no sooner than six months from the effective date of this ordinance, the property owner or manager may begin the application process for a new special exception.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (5 pages)

Exhibit B (7 page)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 4/13/15

Trade name of business Flights Tasting Room

Address of business 824 W. 21st Street

Name(s) of business owner(s)* Clark S. Olsen

Name(s) of property owner(s)* REI Ventures LLC, ~~James~~ James Chen, principal

Name(s) of business manager(s)/operator(s) Clark S. Olsen

Daytime telephone number (757) 855-3450

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales and Entertainment
Weekday From <u>6 AM</u> To <u>12 AM</u>	Weekday From <u>10 AM</u> To <u>12 AM</u>
Friday From <u>6 AM</u> To <u>12 AM</u>	Friday From <u>10 AM</u> To <u>12 AM</u>
Saturday From <u>6 AM</u> To <u>12 AM</u>	Saturday From <u>10 AM</u> To <u>12 AM</u>
Sunday From <u>6 AM</u> To <u>12 AM</u>	Sunday From <u>10 AM</u> To <u>12 AM</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☒ Yes (If more than 4, additional application required) ☐ No

4a If yes, please describe type and number of each game to be provided:

cornhole on other outdoor games, no more than
4 at a time

5. Will patrons ever be charged to enter the establishment?
☒ Yes ☐ No

5a. If yes, why:

we plan on holding festivals and having bands.
A cover charge will help defray the costs.

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

The facility will be available for private
parties

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☒ Yes ☒ No

7a. If yes, explain:

certified
Only Nonprofit organizations
and the Military.

8. Will there ever be a minimum age limit?
☐ Yes ☒ No

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Chuck S. Olsen held 2 beer festivals last fall (Ghent Beer Fest + Pung DCraft Beer festival). Approximately 500 people attended each event without incident.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Chuck S. Olsen

Signature of Applicant

Flights Tasting Room Addendum to "Exhibit A"

Description of Operations and Conditions

Flights Tasting Room, LLC (Flights) is a multi-purpose event venue and wine/beer taste room (restaurant). Food at Flights will be cooked on a covered outdoor grill and/or pizza oven. Our fenced-in, landscaped courtyard and parking areas provide a safe and secure environment for guests and staff. Flights is remodeling the former Clark Nursery to look like a Virginia winery tasting room.

Flights will have four areas to our venue,

- 1) An indoor main dining room/bar,
- 2) A private event/banquet room,
- 3) Two outdoor patios on 21st Street, surrounded by a fenced in, landscaped parking area and
- 4) A 3,000 square foot outdoor, landscaped courtyard on 22nd Street (see the enclosed plan for seating and use configurations).

Flights is located in the 21st Street PCO on the north side of 21st street. Flights is surrounded by commercial properties and has no adjacent residential neighbors.

Flights will be available to rent for both indoor and outdoor private events (birthday parties, corporate events, weddings, private parties, farmers market, community events, etc.). Flights is not available for rent to any promoter, but is available to certified non-profits, military and government entities. Flights will also operate a restaurant, beer/wine tasting room open to the public.

Flights has applied for business hours from 6AM to Midnight and ABC privileges from 10AM to Midnight. Flights will sell beer and wine on site, no liquor.

The primary business model of the restaurant portion of the business will be Thursday evenings from 5PM to Midnight, Fridays 8AM to Midnight, Saturdays 8AM to Midnight and Sundays 8AM to 5PM. During these hours flights may charge admission for events and entertainment. Flights will not charge admission to the public at any other times.

During the times that the restaurant is open, Flights is available for private parties, subject to certain limitations described below. When the restaurant is not open, Flights is available to rent for private events, subject to certain limitations described below.

Inside, Flights will be open to the general public with a main dining/bar area. The bar has a seating capacity of 20 people. The main bar dining area has a seating capacity of 36. The rear outdoor patio adjacent to the main bar area has an outdoor seating capacity of 52 people. Further, Flights has space immediately to the left of the main entry that has a seating capacity of 32, which can be used either by the restaurant or the private event room. See the enclosed drawings and descriptions.

Flights has a private event/banquet room with a seating capacity of 48. In the front of the building Flights has a private event patio with a seated capacity of 24. There is also an outside dining area that can be used by either the private event room or the main restaurant with a seating capacity of 40. Flights also has a covered seating area adjacent to the private event room with a seated capacity of 24. Finally, the landscaped courtyard can provide covered seating for up to 72. See the enclosed drawings and descriptions.

In summary, the interior space of Flights has a constant seated capacity of 136. The outside covered seating areas, with the ability to cover the sides, heat and cool the space as needed, have a variable seating capacity of 64 to 188, depending upon the configuration. The outside uncovered seating areas, that do not require parking and cannot be heated or cooled, have a variable seated capacity of 24 to 96, depending upon the configuration. All of the proposed covered seating areas are designed so that temporary sidewalls can be installed and that they can be heated and cooled for such events. Flights acknowledges that parking will need to be provided for this space and has sufficient parking for all covered spaces, see examples below.

For all events, private party events or public events, where there is no dancing Flights maximum capacity will be 400. In the event a private function with a band and dancing is held when Flights is also open to the general public, the maximum capacity is 390. For a private event with dancing capacity will be maxed at 240. Additionally, from Sunday at 5PM to Thursday at 5PM, private events, with dancing, are limited to a maximum occupancy of 240 guests.

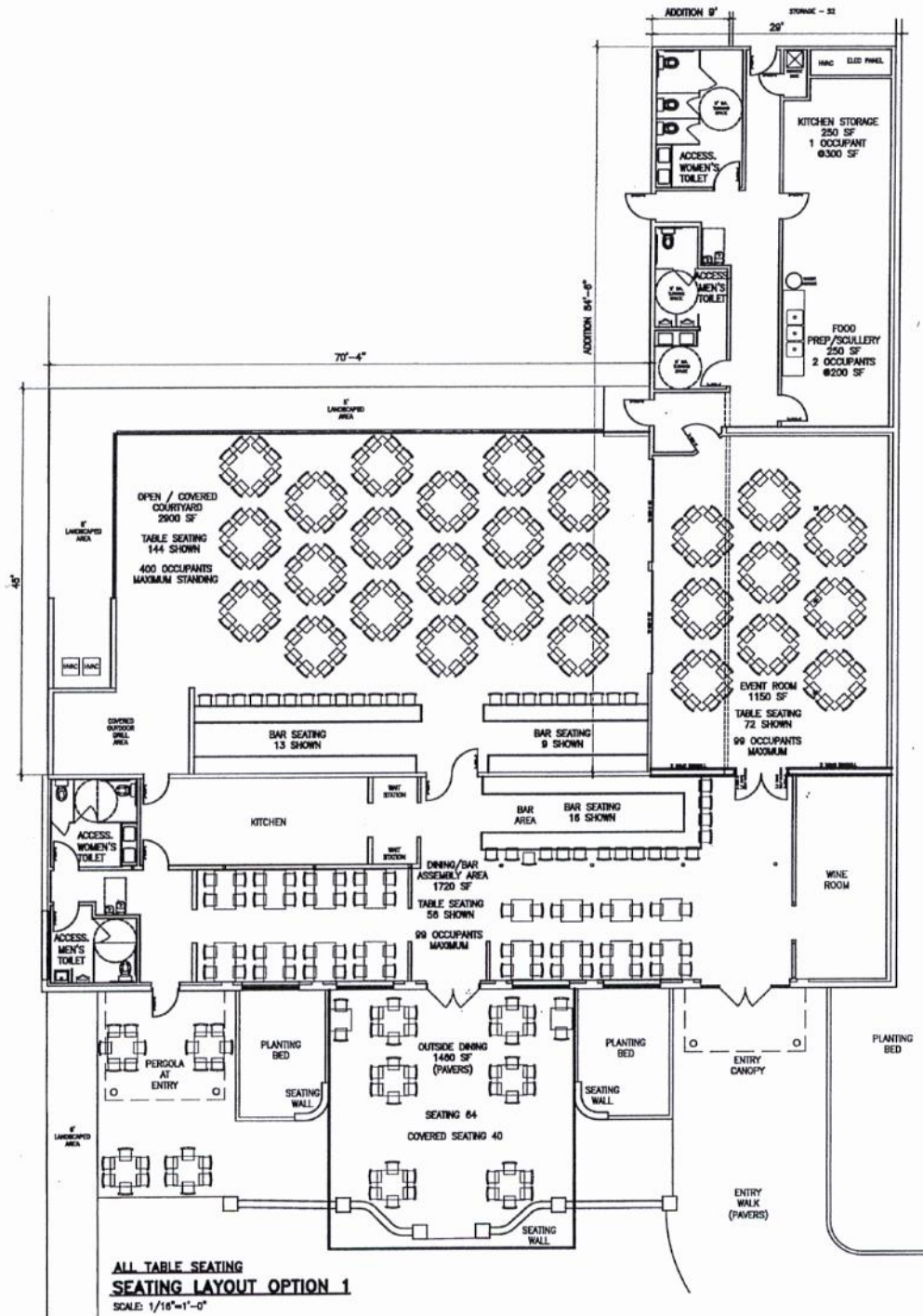
Per code calculations, Flights has a capacity of 74 vehicles, or 296 patrons. With Valet Service, Flights has a capacity per code calculations of 101 cars, or 404 patrons. See the enclosed parking plans.

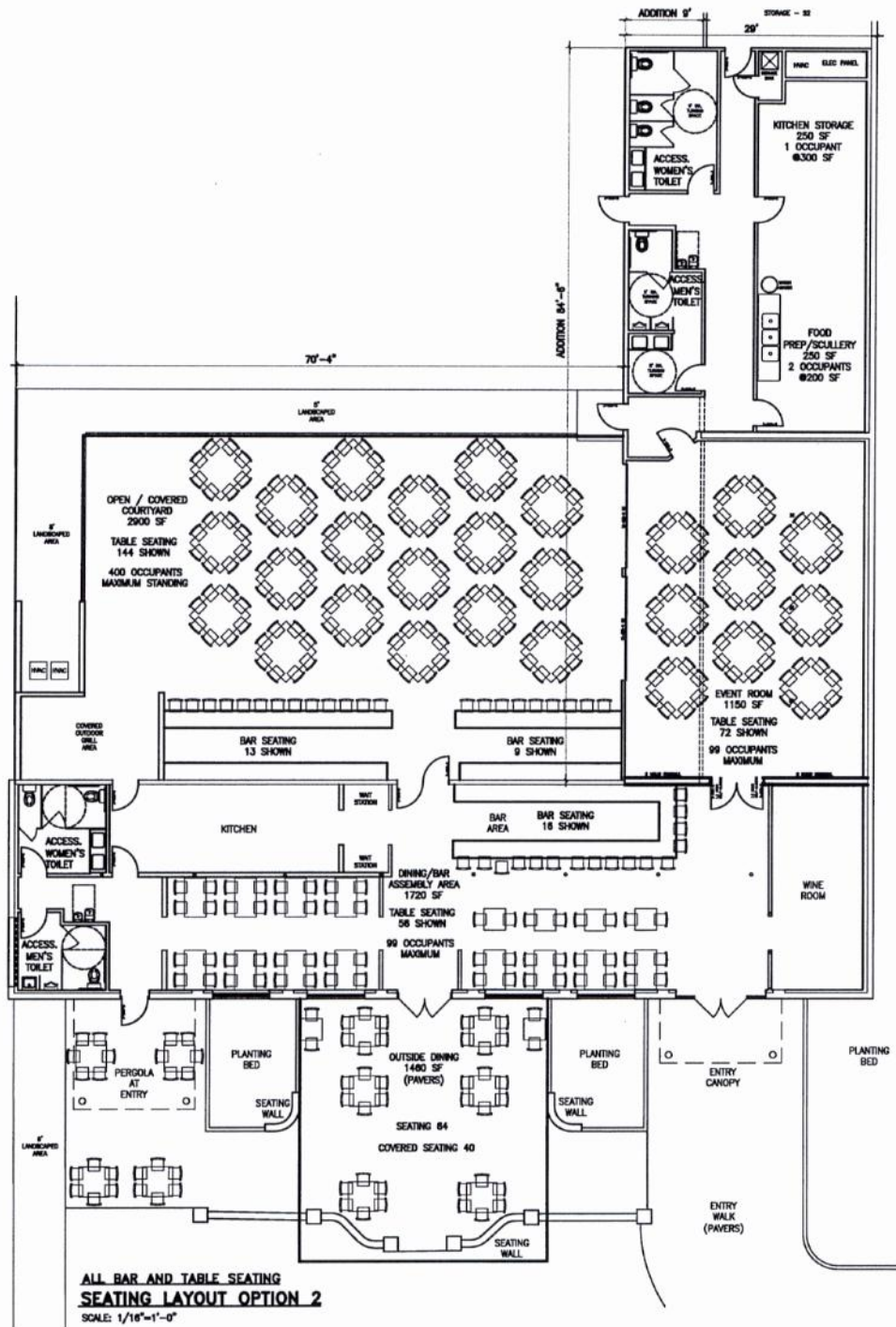
Flights has two bathroom areas. The event room has a men's and women's bathroom with one toilet each. Immediately off the main restaurant dining area Flights has a men's and women's room each with 3 toilets. Flights has a total of 4 men's toilets and 4 women's toilets.

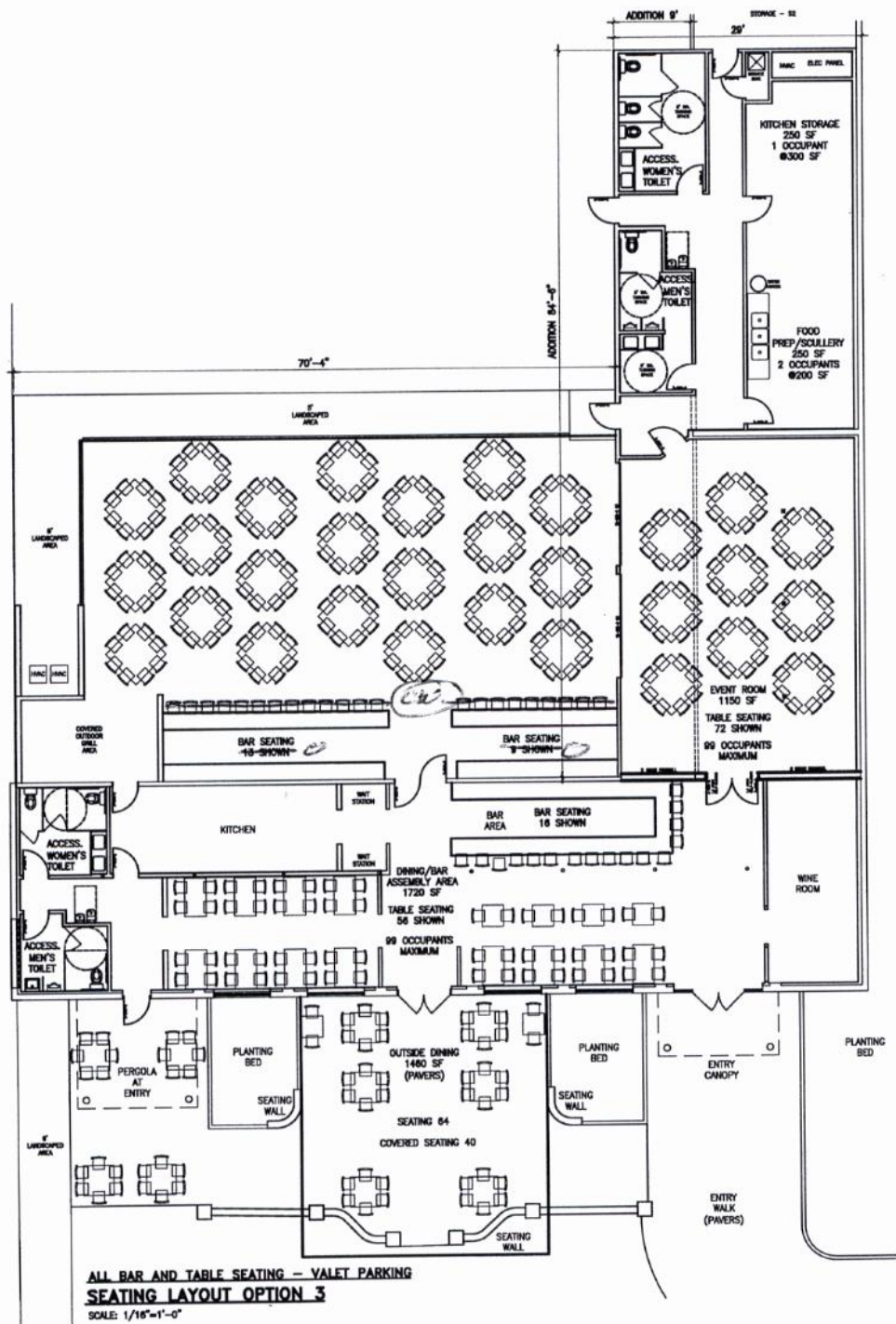
To clarify from above, Flights is offering the following conditions in exchange for receiving approval our special exception approval:

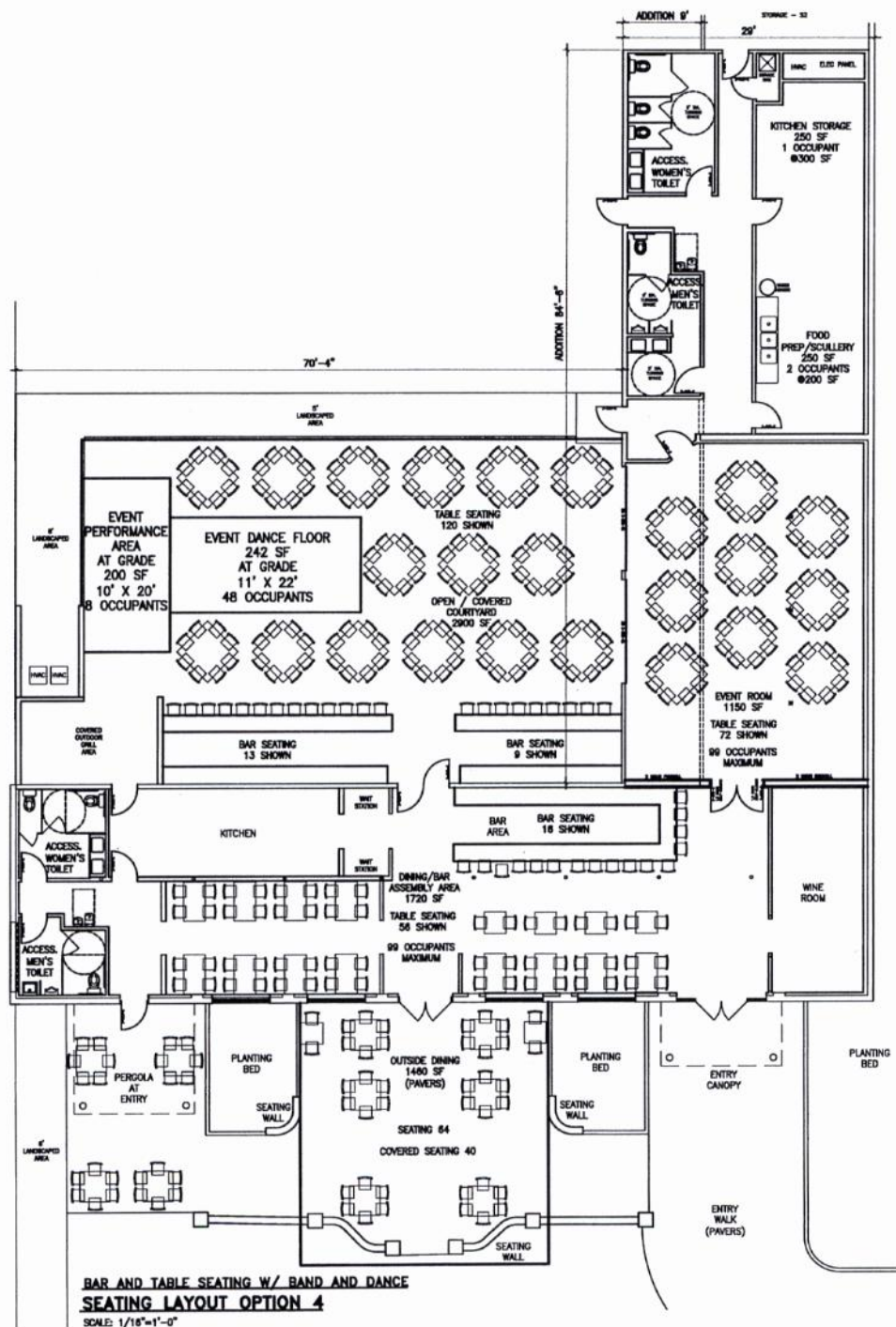
- a) Flights will only charge admission for a public event or festival from 5PM Thursday to 5PM on Sunday (Thursday, Friday, Saturday and Sunday).
- b) Outdoor entertainment, typically live bands, will be limited from 10AM to 8PM Sunday through Wednesday, 10AM to 9PM on Thursdays and 10AM to 10PM Fridays and Saturdays.
- c) Flights will limit private parties, with a band and dancing, to a maximum of 240 guests at all times.
- d) If Flights is rented for a private event for 300 or more people, Valet Parking will be provided.

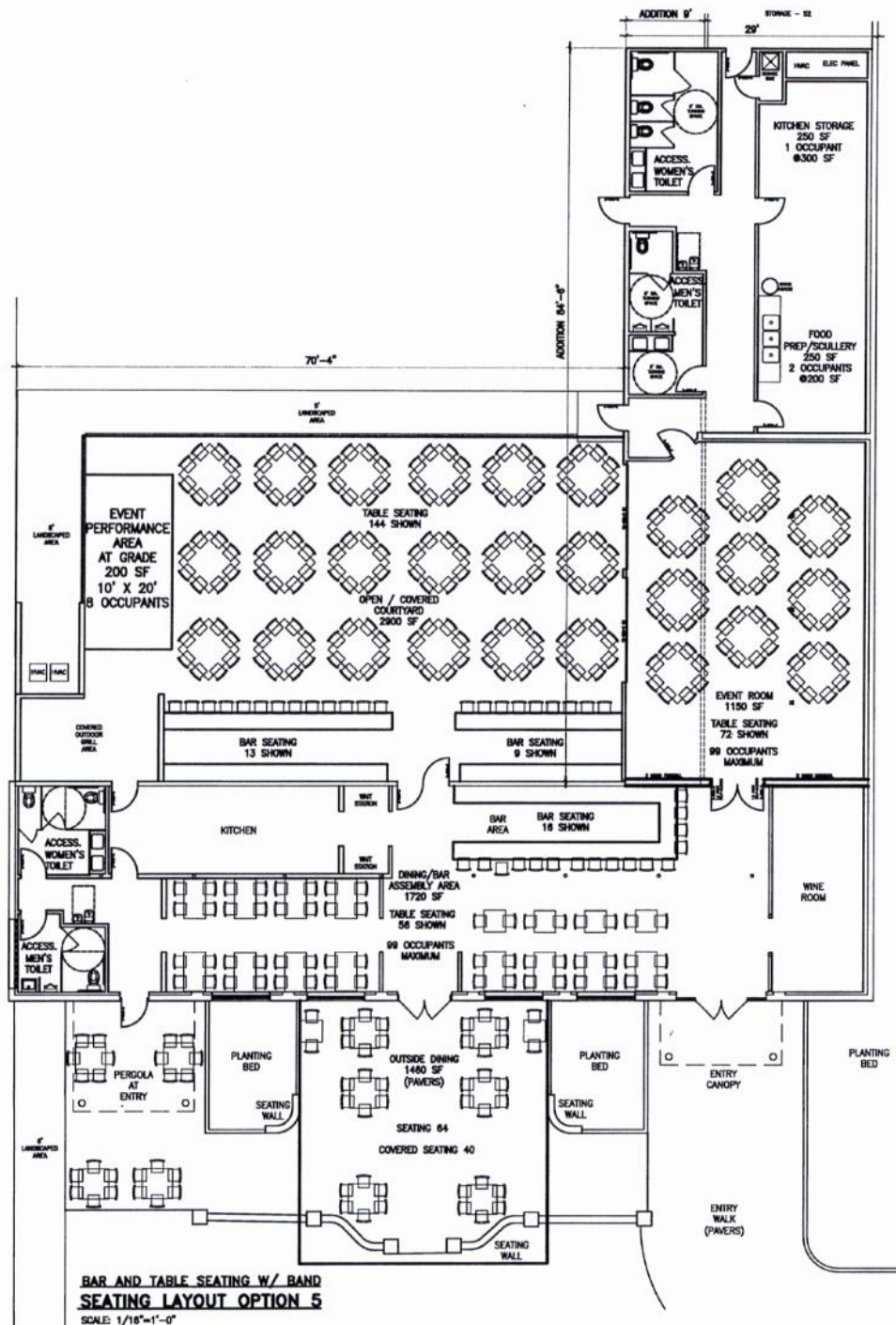
Exhibit B

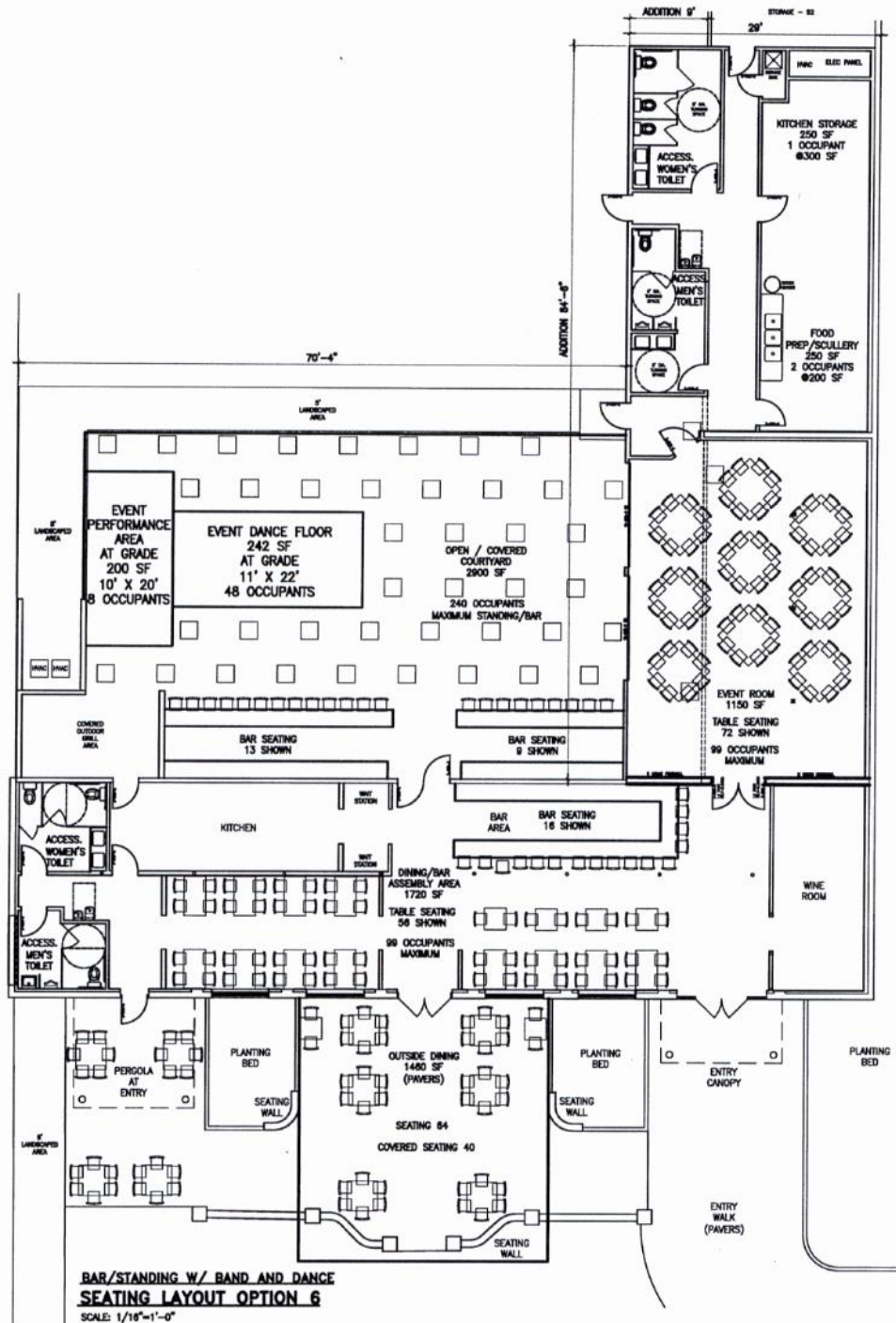


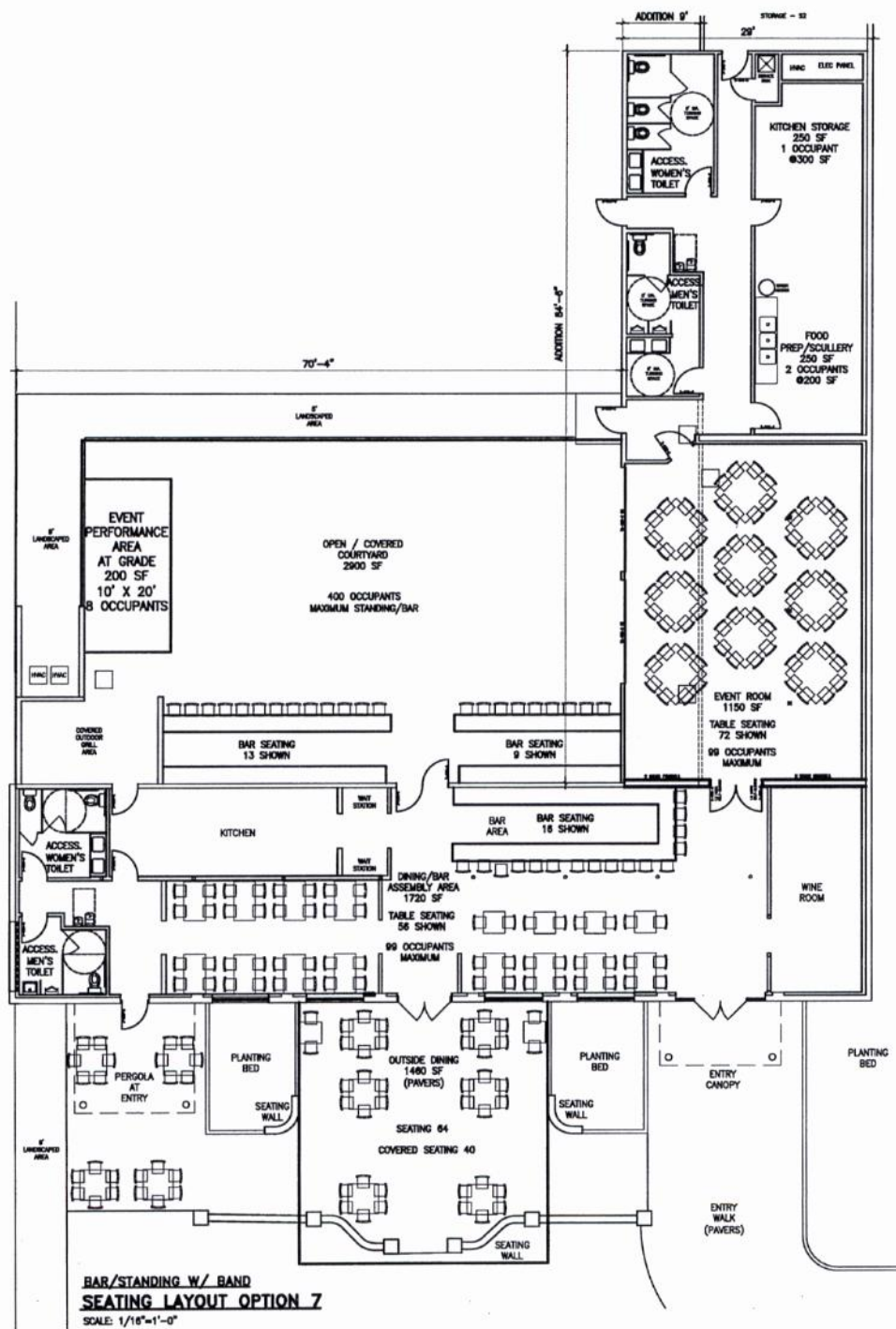












**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity # 1

a. Indoor

Number of seats (not including bar seats)

128

Number of bar seats

16

Standing room

2

b. Outdoor

Number of seats

covered

206

"

"

uncovered

24

c. Number of employees

24

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 400

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

Movies, fashion show, speaker

3. Will a dance floor be provided?

☐ Yes

☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

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 - Tables/seats
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 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity #2

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

128
16
2

b. Outdoor

Number of seats

*covered
uncovered*

206
24
24

c. Number of employees

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 402

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

movies, fashion show, speakers

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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 - Standing room
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 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity # 3

a. Indoor

Number of seats (not including bar seats)
Number of bar seats
Standing room

128
16
0

b. Outdoor

Number of seats

*covered
marvel*

~~220~~ 208
24
24

c. Number of employees

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 400

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

with movies, fashion show, speakers

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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Entertainment Establishment**

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 - Tables/seats
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 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity #4

a. **Indoor**

Number of seats (not including bar seats)
Number of bar seats
Standing room

128
16
26

b. **Outdoor**

Number of seats *covered*
" " *uncovered*

182
25
24

c. **Number of employees**

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 400

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

movies, fashion show, speakers

3. Will a dance floor be provided?

☒ Yes ☐ No

3a. If yes,

Square footage of establishment 5000
Square footage of dance floor 242

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

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 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity # 5

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

128
16
26

b. Outdoor

Number of seats

"

182
24
24

c. Number of employees

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 400

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

Movies, Fashion show, speakers

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity # 6

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

128
16
146

b. Outdoor

Number of seats

11

covered
area

62
24
24

c. Number of employees

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 400

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

movies, fashion shows, speakers

3. Will a dance floor be provided?

☒ Yes

☐ No

3a. If yes,

Square footage of establishment

Square footage of dance floor

5,000
242

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

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 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity # 7

a. **Indoor**

Number of seats (not including bar seats)

Number of bar seats

Standing room

128
16
146

b. **Outdoor**

Number of seats

100
100

62
24
24

c. **Number of employees**

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 400

2. **Entertainment**

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

movies, audio slow speakers

3. Will a dance floor be provided?

☐ Yes

☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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**APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)**

Date original 4/13/15, amended 7/6/15

DESCRIPTION OF PROPERTY

Address 824 W. 21st Street, Norfolk, VA 23517

Existing Use of Property Garden Center, Landscape Business, Artist tenant

Proposed Use Entertainment Establishment, landscape business, Artist tenant

Current Building Square Footage 5,060

Proposed Building Square Footage 5,821

Trade Name of Business (If applicable) Flights Tasting Room LLC

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Olsen (First) Clark (MI) S.

Mailing address of applicant (Street/P.O. Box): 824 W. 21st St.

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 855-3450 Fax () N/A

E-mail address of applicant: clarkdesignbuild@mac.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

Application
Entertainment Establishment
Page 2

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Olsen (First) Clark (MI) S

Mailing address of applicant (Street/P.O. Box): 824 W. 21st Street

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant () 855-3450 Fax () _____

E-mail address of applicant: clarkdesignbuild@mac.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Olsen (First) Clark (MI) S

Mailing address of property owner (Street/P.O. box): 824 W. 21st Street

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of owner () 855-3450 email: clarkdesignbuild@mac.com

CIVIC LEAGUE INFORMATION

Civic League contact: Grant Neighborhood League & Grant Business Assn.

Date(s) contacted: 5/21, 6/18 + 6/24

Ward/Super Ward information: 2/6

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

REQUIRED ATTACHMENTS

CERTIFICATION

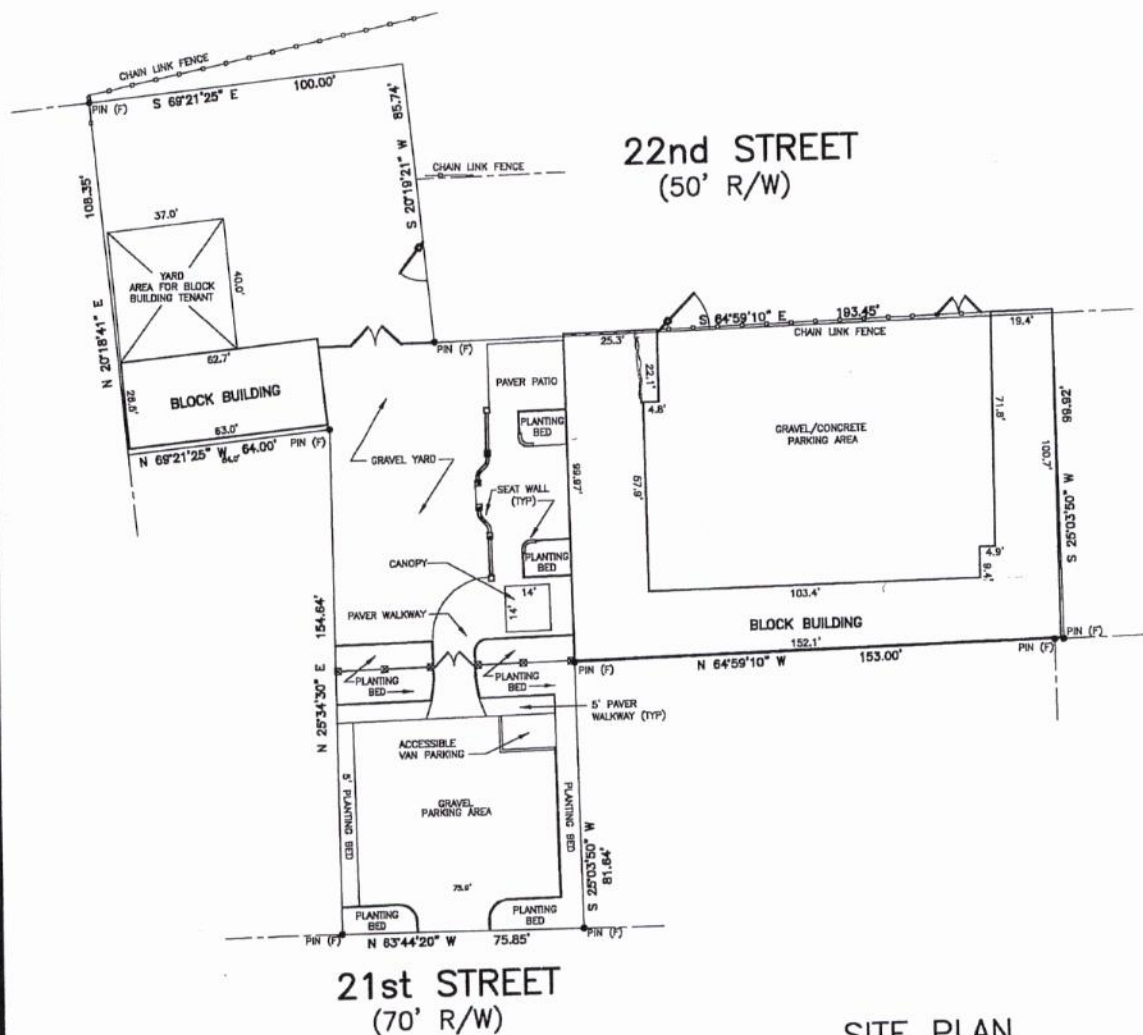
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Whitson Holdings, LLC Sign: [Signature] 6 1 15
(Property Owner or Authorized Agent of Signature) (Date)
By Chak S. Olsen, Manager

Print name: Chak S. Olsen Sign: [Signature] 6 1 15
(Applicant) (Date)

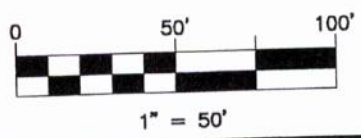
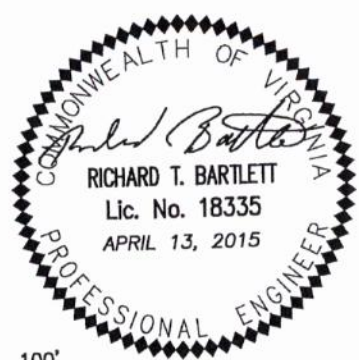
ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ / _____
(Authorized Agent Signature) (Date)



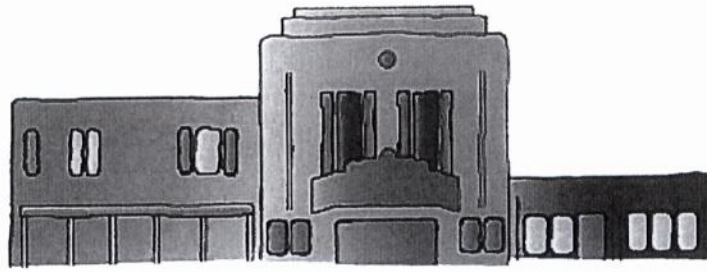
SITE PLAN
OF
LOT B-1
NORTH GHENT
NORFOLK, VA

THIS IS TO CERTIFY THAT THIS PLAN
REFERS TO THE SAME LOT AS SET FORTH
BY PLAT RECORDED IN THE CLERK'S
OFFICE OF THE CIRCUIT COURT OF
NORFOLK, VIRGINIA IN PLAT BOOK 1
PAGES 46 & 47.



SCALE: 1"=50'
DATE: APRIL 13, 2015

ENGINEERING SERVICES PROVIDED BY:
PROFESSIONAL CONSTRUCTION CONSULTANTS, LLC.
PHONE: (757) 773-8084 EMAIL: RICK@PCC-LLC.COM



Ghent Business Association

July 22, 2015

City Council
City of Norfolk
City Hall
Norfolk, VA 23510

To whom it may concern,

The GBA would like to express its support for the request for a special exception from Flights Tasting Room. However, we ask that the granted special exception be subject to an 18 month provisional time frame. If at that point there are any concerns about the negative impact Flights might be having on surrounding businesses and/or neighbors, those parties will have an opportunity to express those concerns to the City. Hopefully, there will be no need for further discussion at that point.

Sincerely,

Ted Enright
Corresponding Secretary
Development Committee Chairman
Ghent Business Association

Pollock, Susan

From: Homewood, George
Sent: Monday, July 20, 2015 3:29 PM
To: Emily Birknes
Cc: Holder Ian; Enright Ted; Ryan John; Clark Olsen; Newcomb, Leonard; Pollock, Susan; Earl P Fraley; Martin Thomas; Dan Neumann;
Matt Hales; Andria McClellan; Ramona Austin; Houchins, Nikita
Subject: Re: Flights - statement from GNL

Thanks Emily

George M Homewood, AICP CFM
City Planning Director
City of Norfolk, Virginia

From: Emily Birknes <emilybirknes@gmail.com>
Sent: Monday, July 20, 2015 3:26:25 PM
To: Homewood, George
Cc: Holder Ian; Enright Ted; Ryan John; Clark Olsen
Subject: Flights - statement from GNL

Dear George,

With a board vote of 7 yes, 2 abstentions and 3 not present, the Ghent Neighborhood League supports the application for Flights Tasting Room, amended 7/6/2015, with the understanding that there will be an 18-month sunset clause for application review.

Emily

Emily Birknes
President, Ghent Neighborhood League